

ASSEMBLY BILL

No. 1410

Introduced by Assembly Member Wolk

February 21, 2003

An act to amend Sections 54220 and 54222 of the Government Code, and to add Section 118.7 to the Streets and Highways Code, relating to surplus land.

LEGISLATIVE COUNSEL'S DIGEST

AB 1410, as introduced, Wolk. Surplus land: transit stations.

Existing law requires each state agency, on or before December 31 of each year, to make a review of all proprietary state lands, with specified exceptions, over which it has jurisdiction, to determine what, if any, land is in excess of its foreseeable needs, and to report thereon in writing to the Department of General Services. Existing law transfers to the department jurisdiction of all land reported as excess. The department and any local agency disposing of surplus land is required, prior to disposing of that property, to send a specified written offer to sell or lease the property to certain local public entities.

This bill would also require that a written offer to sell or lease be sent for the purpose of developing a transit village or transit-oriented development to specified local agencies and that excess state real property, which is located within $\frac{1}{3}$ mile of a transit station, shall first be offered for sale or exchange to specified local agencies, subject to certain conditions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 54220 of the Government Code is amended to read:

54220. (a) The Legislature reaffirms its declaration that housing is of vital statewide importance to the health, safety, and welfare of the residents of this state and that provision of a decent home and a suitable living environment for every Californian is a priority of the highest order. The Legislature further declares that there is a shortage of sites available for housing for persons and families of low and moderate income and that surplus government land, prior to disposition, should be made available for that purpose.

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(b) The Legislature reaffirms its belief that there is an identifiable deficiency in the amount of land available for recreational purposes and that surplus land, prior to disposition, should be made available for park and recreation purposes or for open-space purposes. This article shall not apply to surplus residential property as defined in Section 54236.

(c) *The Legislature reaffirms its declaration of the importance of appropriate planning and development near transit stations, to encourage the clustering of housing and commercial development around such stations. Studies of transit ridership in California indicate that a higher percentage of persons who live or work within walking distance (one-third mile) of major transit stations utilize the transit system more than the general public living elsewhere. The Legislature also reaffirms that the federal government gives priority for funding of rail transit proposals to areas that are implementing higher-density, mixed-use development near major transit stations.*

SEC. 2. Section 54222 of the Government Code is amended to read:

54222. Any agency of the state and any local agency disposing of surplus land shall, prior to disposing of that property, send a written offer to sell or lease the property as follows:

(a) A written offer to sell or lease for the purpose of developing low- and moderate-income housing shall be sent to any local public entity as defined in Section 50079 of the Health and Safety Code, within whose jurisdiction the surplus land is located.

Housing sponsors, as defined by Section 50074 of the Health and Safety Code, shall, upon written request, be sent a written offer to sell or lease surplus land for the purpose of developing low- and moderate-income housing. All notices shall be sent by first-class mail and shall include the location and a description of the property. With respect to any offer to purchase or lease pursuant to this subdivision, priority shall be given to development of the land to provide affordable housing for lower income elderly or disabled persons or households, and other lower income households.

(b) A written offer to sell or lease for park and recreational purposes or open-space purposes shall be sent:

(1) To any park or recreation department of any city within which the land may be situated.

(2) To any park or recreation department of the county within which the land is situated.

(3) To any regional park authority having jurisdiction within the area in which the land is situated.

(4) To the State Resources Agency or any agency which may succeed to its powers.

(c) A written offer to sell or lease land suitable for school facilities construction or use by a school district for open-space purposes shall be sent to any school district in whose jurisdiction the land is located.

(d) A written offer to sell or lease for enterprise zone purposes any surplus property in an area designated as an enterprise zone pursuant to Section 7073 shall be sent to the nonprofit neighborhood enterprise association corporation in that zone.

(e) A written offer to sell or lease for the purpose of developing a transit village or transit-oriented development shall be sent to any county, city, city and county, redevelopment agency organized pursuant to Part 1 (commencing with Section 33000) of Division 24 of the Health and Safety Code, public transportation agency, or housing authority within whose jurisdiction the surplus land is located.

(f) A written offer to sell or lease any surplus property in a designated program area, as defined in subdivision (i) of Section 7082, shall be sent to the program area agent.

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(g) The entity or association desiring to purchase or lease the surplus land for low- and moderate-income housing purposes, or for park or recreation purposes, or for open-space purposes, or for public school purposes, or for enterprise zone purposes, *or for a transit village*, shall notify in writing the disposing agency of its intent to purchase or lease the land within 60 days after receipt of the agency's notification of intent to sell the land.

SEC. 3. Section 118.7 is added to the Streets and Highways Code, to read:

118.7. (a) Excess real property, which is located within one-third mile of a transit station, shall first be offered for sale or exchange to local agencies as follows:

(1) To any city within which the land may be situated.

(2) To any county within which the land is situated.

(3) To any redevelopment agency organized pursuant to Part 1 (commencing with Section 33000) of Division 24 of the Health and Safety Code, within which the land is situated.

(4) To any housing authority within which the land is situated.

(5) To any public transportation agency or district within which the land is situated.

(b) (1) The public agency desiring to purchase such land for a transit village or transit-oriented development shall notify the department within 60 days of its intent to purchase the land after receipt of the department's notification of intent to sell the land.

(2) If the public agency desiring to purchase the land and the department are unable to arrive at a mutually satisfactory sales price for the land during the 60-day period, the land may be disposed of in the normal manner.

(c) The failure of the department to first offer excess real property which consists of lands located within one-third mile of a major public transit station to public agencies in which it is located shall not affect the validity of any conveyance of the excess real property to any person or entity unaware of the failure of the department to do so; provided, however, that the department's failure shall in no way be construed as releasing the department from its responsibility to offer the property to public agencies first.